THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.13914 OF 2007

DATED: 28-08-2007

Between :

K. Laxman Rao … Petitioner

And

1. The Collector, R.R. District at Khairatabad, Hyderabad., and
2 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.13914 OF 2007

ORDER :

The petitioner herein claims title and possession in respect of Ac.8-22 guntas of land situated in Sy.No.81 of Tondapally Village, Shamshabad Mandal, R.R. District. The Mandal Revenue Officer after conducting due enquiry as per the provisions of A.P. Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act') issued a pattadar pass book and title deeds in favour of the petitioner.

However, since some third parties tried to interfere with the possession of the petitioner he filed O.S.No.1451 of 2005 on the file of the Court of Principal Junior Civil Judge, Rangareddy District in which a temporary injunction was granted in I.A.No.2765 of 2005.

In the meanwhile, the petitioner made an application requesting the 2nd respondent – Assistant Director of Survey and Land Records, R.R. District to conduct survey of the land in question and fix the boundary stones. Having considered the same, the 2nd respondent issued a notice dated 18-6-2007 proposing demarcation of the land in question on 21-6-2007. While so, the Mandal Revenue Officer by letter dated 21-6-2007 requested the 2nd respondent to stop the demarcation stating that the land in question was classified as Matruka Sarkari.

Aggrieved by the same, this writ petition has been filed contending *inter alia* that the revenue authorities have no jurisdiction to decide the title in respect of the property in question.

A counter-affidavit has been filed by the 3rd respondent stating

that though it is true that by order dated 2-4-2005 the name of the petitioner was ordered to be incorporated as pattadar in respect of Sy.No.81, to an extent of Ac.8-22 guntas, on an appeal preferred by P. Sankara Rao and K. Bhaskara Rao before the Revenue Divisional Officer, Chevella Division, Rangareddy District, the said order dated 2-4-2005 was set aside and the entries were restored in the revenue record as Matruka Sarkari. Against the said order, a Revision was filed under Section 9 of the Act which is still pending before the Joint Collector, R.R. District. In the circumstances, the impugned letter dated 21-6-2007 was issued not to proceed with the survey.

I have heard the learned Counsel for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

It is to be noted that in respect of the very same land of Ac.8-22 guntas situated in Sy.No.81 one K. Bhaskara Rao filed W.P.No.6191 of 2006 claiming that he is in occupation of the said land which is classified as Government land. It is also relevant to that the writ petitioner was also impleaded as respondent No.6 to the said writ petition.

This Court while disposing of W.P.No.6191 of 2006, by order dated 28-3-2006, directed that the land in question i.e., Ac.8-22 guntas in Sy.No.81 of Thondupalli Village, being a Government land, necessary steps shall be taken to see that no third party rights are created. Accordingly the Mandal Revenue Officer was directed to protect the land from being encroached upon until the proceedings before the Revenue Divisional Officer are decided.

As could be seen from the counter-affidavit, the Revenue Divisional Officer has already passed an order setting aside the 3rd respondent's order on 2-4-2005. It is also clear that in the revenue records the land has been classified as Matruka Sarkari as on today. In the circumstances, the 3rd respondent was justified in directing the

2nd respondent not to proceed with the proposed survey.

As the material on record shows that the claim of the petitioner that it is patta land is seriously in dispute, the Mandamus as prayed for cannot be granted.

Writ Petition is accordingly dismissed. No costs.

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G. ROHINI, J.

Dt. 28-8-2007
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